

REMARKS

This Reply is responsive to the non-final Office Action¹ of February 4, 2008.

Claims 1-23 were presented for examination and were rejected. Claims 1, 11 and 14-19 are amended. No new matter is added; support for the claim amendments appears in the specification as filed, at least in paragraph [0056] and the Figs. No claims are added or canceled. Claims 1, 11, 14-19 and 23 are independent claims. Claims 1-23 are pending.

Claim 15 is rejected under 35 U.S.C. §101 because the claim is allegedly directed to non-statutory subject matter. This claim has been amended in accordance with the suggestions outlined in the Office Action. Applicant respectfully requests that this rejection be withdrawn.

Claims 14-15 are rejected under 35 U.S.C. §103(a) as being un-patentable over Sydon et al., (2002/0085520, referred to hereinafter as "Sydon") in view of newly-cited Dailey (6,532,224, referred to hereinafter as "Dailey"). Claim 19 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar et al., (2005/0018631, referred to hereinafter as "Sivakumar") in view of Dailey. Claims 1-13, 16-17 and 20-23 are

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Sydon further in view of Dailey. Claim 18 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Abdesselem et al. (2001/0022791, referred to hereinafter as “Abdeselem”) further in view of Dailey. Applicant respectfully traverses these rejections because Applicant’s claims are not disclosed or suggested by the cited references taken individually, or in any reasonable combination, for the following reasons.

Consider, for example, claim 1, which is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Sydon further in view of Dailey. Claim 1 recites, *inter alia*: “transmitting the messages from all of the other of the plurality of nodes, using the assigned modulation scheme, to at least one destination node within the plurality of nodes, the messages being transmitted during a timeslot assigned to the at least one destination node.” (emphasis added) The Office Action, pg 6, admits that Sivakumar does not show the transmitting step as it does not allow direct communication between slave nodes, and relies upon Sydon to allegedly teach this direct communication between remote units. However, Sydon does not teach transmitting messages from all of the other of its remote units to a destination node.

To the contrary, Sydon says: “When, on the other hand, it is desired to provide a direct communication link between two or more remote units 14, 16, 18, 20 & 22, the central unit 12 allows specific ones of the remote units 14, 16, 18, 20 & 22 to set up direct communication channels with other remote units 14, 16, 18, 20 & 22 for direct transfer of data and voice information.” (Sydon, ¶ [0020], emphasis added) Specific ones of the remote units are clearly not all of the remote units. In addition, the only examples given

in Sydon of direct connection between remote units shows only one pair of directly communicating remote units in Fig. 2 and only two pairs of directly communicating remote units in Fig. 3, from which a teaching of connecting to one of the units from all other of the units cannot be derived. Furthermore, Sydon's claims reinforce this limited direct connection aspect disclosed in its specification. For example, Sydon's claim 1 recites "wherein said central unit is capable of assigning a dedicated communication channel for enabling direct communication between selected ones of said at least two remote units." (emphasis added) Selected ones of the remote units are clearly not equivalent to all of the remote units, as claimed.

Consequently, the thrust of the Sydon disclosure points away from Applicant's claim limitation. Indeed, Sydon does not disclose or suggest at least "transmitting the messages from all of the other of the plurality of nodes, using the assigned modulation scheme, to at least one destination node within the plurality of nodes, the messages being transmitted during a timeslot assigned to the at least one destination node" as recited in claim 1. Furthermore, Dailey was cited only to allegedly show timeslots assigned to nodes as being assigned times for those nodes to receive messages and, therefore, does not cure this deficiency of Sydon. Applicant respectfully disagrees with the Examiner's view of Dailey, but the point is moot in view of the fact that Dailey does not cure the deficiency in Sydon.² Therefore, for reasons given above, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 1 should be withdrawn and the claim allowed.

² Applicant also does not acquiesce in the combinability of these references in the first place, and reserves its rights to offer arguments in rebuttal to combinability in subsequent responses, if need be.

All of Applicant's claims include the same limitation as, or a similar limitation to, that which is recited in claim 1.

Claim 11 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Sydon further in view of Dailey. Claim 11 recites, *interalia*: “a plurality of receivers configured to receive any messages transmitted from all other nodes in the plurality of nodes to the each node during a timeslot assigned to the each node.” (emphasis added) For reasons that are the same as, or similar to, those given above with respect to claim 1, Sivakumar, Sydon and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 11 should be withdrawn and the claim allowed.

Claim 14 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sydon in view of Dailey. Claim 14 recites, *interalia*: “means for receiving in one of the nodes any of the messages from all of the other nodes in the plurality of nodes transmitted to said one of the nodes only during a receiving timeslot assigned to said one of the nodes.” (emphasis added) For reasons that are the same as, or similar to, those given above with respect to claim 1, Sydon and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 14 should be withdrawn and the claim allowed.

Claim 15 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sydon in view of Dailey. Claim 15 recites, *interalia*: a “processor is configured to: receive any

messages from all other nodes in the network transmitted to the node during a receive timeslot assigned to the node.” (emphasis added) For reasons that are the same as, or similar to, those given above with respect to claim 1, Sydon and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 15 should be withdrawn and the claim allowed.

Claim 16 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Sydon further in view of Dailey. Claim 16 recites, *interalia*: “receiving, by a node in a network during a TDMA timeslot assigned to the node for receiving, any messages transmitted by all other nodes in the network to the node, each of the other nodes transmitting messages to the node during the timeslot assigned to the node, each of the messages being transmitted using a different orthogonal or nearly orthogonal transmit spreading code.” (emphasis added) For reasons that are the same as, or similar to, those given above with respect to claim 1, Sivakumar, Sydon and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 16 should be withdrawn and the claim allowed.

Claim 17 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Sydon further in view of Dailey. Claim 17 recites, *interalia*: “receiving, by a node in a network during a TDMA timeslot assigned to the node for receiving, any messages transmitted by all other nodes in the network to the node, each of the other nodes transmitting messages during the timeslot assigned to the node, each of the messages being transmitted using a different carrier frequency.” (emphasis added)

For reasons that are the same as, or similar to, those given above with respect to claim 1, Sivakumar, Sydon and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 17 should be withdrawn and the claim allowed.

Claim 18 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Abdesselem further in view of Dailey. Claim 18 recites, *interalia*: “using one of a plurality of transmit spreading codes to transmit any messages to at least one of the ultra-wideband radios during a timeslot assigned to the at least one of the ultra-wideband radios, the timeslot being for receiving the messages from all of the other ultra-wideband radios of the plurality of ultra-wideband radios.” (emphasis added) For reasons that are the same as, or similar to, those given above with respect to claim 1, Sivakumar, Abdesselem and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation, particularly where Abdesselem was cited to teach “short burst” and is not germane with respect to the above-presented argument. Sivakumar, admittedly, does not disclose or suggest receivers configured to receive any messages from all other nodes, and Dailey was cited for unrelated reasons and does not cure this deficiency as noted above. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 18 should be withdrawn and the claim allowed.

Claim 19 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Dailey. Claim 19 recites, *interalia*: “A node in a network of a plurality of nodes, said node comprising:.... a plurality of receivers configured to receive any messages from all other nodes in said plurality of nodes transmitted to the node during a timeslot assigned to the node.” (emphasis added) For reasons that are the same

as, or similar to, those given above with respect to claim 1, Sivakumar and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation. Sivakumar, admittedly, does not disclose or suggest this limitation, and Dailey was cited for unrelated reasons and does not cure this deficiency as noted above. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 19 should be withdrawn and the claim allowed.

Claim 23 is rejected under 35 U.S.C. §103(a) as being un-patentable over Sivakumar in view of Sydon further in view of Dailey. Claim 23 recites, *interalia*: “transmitting said messages from at least one of said all other of said plurality of nodes in accordance with said modulation scheme to at least one of said each of said plurality of nodes during said timeslot assigned to said at least one of said each of said plurality of nodes.” (emphasis added) For reasons that are the same as, or similar to, those given above with respect to claim 1, Sivakumar, Sydon and Dailey, taken individually or in any reasonable combination, do not disclose or suggest this claim limitation. Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claim 23 should be withdrawn and the claim allowed.

Dependent claims 2-10 and 20-22, dependent from claim 1, are also allowable, at least for reasons based on their respective dependencies from allowable base claim 1.

Dependent claims 12 and 13, dependent from claim 11, are also allowable, at least for reasons based on their respective dependencies from allowable base claim 11.

CONCLUSION

Reconsideration and allowance are respectfully requested based on the above amendments and remarks. It is respectfully submitted that all claims and, therefore, this application are in condition for allowance.³

If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at the number provided below.

To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. Please charge any other fees due, or credit any overpayment made to that account.

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³ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.